



#7
YC
8.28.02
RECEIVED
AUG 20 2002
TECH CENTER 160012300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Wu, et al.

)
) Group Art Unit: 1616

Application No.: 10/026,361

)
) Examiner: Pryor, A.

Filed: December 21, 2001

)
)
) For: WATER MISCIBLE PESTICIDE CON-
) TAINING A SYNERGISTIC COCKTAIL
) OF PLANT ALKALOIDS
)

RESPONSE UNDER 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Examiner's Office Action mailed July 30, 2002.
Applicants submit herewith a Terminal Disclaimer over U.S. Patent No: 6,372,239.
Reconsideration is respectfully requested in view of the following remarks.

REMARKS

Claims 1-56 stand rejected under the judicially created doctrine of obviousness-type of double patenting over U.S. Patent No: 6,373,239. Pursuant to 37 C.F.R. §1.321, Applicants submit a Terminal Disclaimer over U.S. Patent No: 6,372,239 to overcome the Examiner's rejection. Withdrawal of the rejection and allowance of claims 1-56 are respectfully requested.

CONCLUSION

In light of the arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: Aug. 13, 2002

By: Shirley Chen
Shirley Chen, Ph.D.
Registration No. 44,608

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
Direct line: (650) 565-3856
Customer Number: 021971

Please type a plus sign (+) inside this box →

+

08-16-

1616 / \$

PTO/SB/2L (6-99)
OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
RECEIVED
AUG 20 2002
TECHNICAL CENTER 1600/2900



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/026,361
		Filing Date	December 21, 2001
		First Named Inventor	Chang-An Wu
		Group/Art Unit	1616
		Examiner Name	A. Pryor
Total Number of Pages in This Submission	3	Attorney Docket Number	25885-703

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div></div>
Remarks <div></div>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	August 13, 2002	Customer Number:	021971

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: August 13, 2002			
Express Mail Label EL 778600426 US			
Typed or printed name	Donna L. Hengst		
Signature		Date	August 13, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.